

## HB0294S01 compared with HB0294

~~text~~ shows text that was in HB0294 but was deleted in HB0294S01.

inserted text shows text that was not in HB0294 but was inserted into HB0294S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Tim M. Cosgrove proposes the following substitute bill:

### POLITICAL ACTION COMMITTEE AND POLITICAL ISSUES COMMITTEE EXPENDITURE REVISIONS

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tim M. Cosgrove**

Senate Sponsor: \_\_\_\_\_

---

---

#### LONG TITLE

##### General Description:

This bill modifies Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, to restrict ~~the~~ expenditures by a political action committee or a political issues committee for certain purposes.

##### Highlighted Provisions:

This bill:

- ▶ provides definitions:
- ▶ requires a political action committee to report the purposes of an expenditure;
- ▶ provides that a political action committee may only make an expenditure for a political purpose or for solicitation and administration costs and provides for

## HB0294S01 compared with HB0294

penalties and reporting a violation;

- ▶ requires a political issues committee to report the purposes of an expenditure;
- ▶ provides that a political issues committee may only make a political issues expenditure or an expenditure for solicitation and administrative costs and provides for penalties and reporting a violation; and
- ▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

20A-11-101, as last amended by Laws of Utah 2010, Chapters 197, 246, and 389

20A-11-602, as last amended by Laws of Utah 2010, Chapter 389

20A-11-603, as last amended by Laws of Utah 2010, Chapter 389

20A-11-802, as last amended by Laws of Utah 2010, Chapters 235 and 389

20A-11-803, as last amended by Laws of Utah 2008, Chapter 14

---

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section 20A-11-101 is amended to read:

#### **20A-11-101. Definitions.**

As used in this chapter:

- (1) "Address" means the number and street where an individual resides or where a reporting entity has its principal office.
- (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional amendments, and any other ballot propositions submitted to the voters that are authorized by the Utah Code Annotated 1953.
- (3) "Candidate" means any person who:
  - (a) files a declaration of candidacy for a public office; or
  - (b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election

## HB0294S01 compared with HB0294

to a public office.

(4) "Chief election officer" means:

(a) the lieutenant governor for state office candidates, legislative office candidates, officeholders, political parties, political action committees, corporations, political issues committees, state school board candidates, judges, and labor organizations, as defined in Section 20A-11-1501; and

(b) the county clerk for local school board candidates.

(5) (a) "Contribution" means any of the following when done for political purposes:

(i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity;

(ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity;

(iii) any transfer of funds from another reporting entity to the filing entity;

(iv) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;

(v) remuneration from:

(A) any organization or its directly affiliated organization that has a registered lobbyist;

or

(B) any agency or subdivision of the state, including school districts; and

(vi) goods or services provided to or for the benefit of the filing entity at less than fair market value.

(b) "Contribution" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of the filing entity;

(ii) money lent to the filing entity by a financial institution in the ordinary course of business; or

(iii) goods or services provided for the benefit of a candidate or political party at less than fair market value that are not authorized by or coordinated with the candidate or political party.

(6) "Coordinated with" means that goods or services provided for the benefit of a

## HB0294S01 compared with HB0294

candidate or political party are provided:

(a) with the candidate's or political party's prior knowledge, if the candidate or political party does not object;

(b) by agreement with the candidate or political party;

(c) in coordination with the candidate or political party; or

(d) using official logos, slogans, and similar elements belonging to a candidate or political party.

(7) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business organization that is registered as a corporation or is authorized to do business in a state and makes any expenditure from corporate funds for:

(i) the purpose of expressly advocating for political purposes; or

(ii) the purpose of expressly advocating the approval or the defeat of any ballot proposition.

(b) "Corporation" does not mean:

(i) a business organization's political action committee or political issues committee; or

(ii) a business entity organized as a partnership or a sole proprietorship.

(8) "Detailed listing" means:

(a) for each contribution or public service assistance:

(i) the name and address of the individual or source making the contribution or public service assistance;

(ii) the amount or value of the contribution or public service assistance; and

(iii) the date the contribution or public service assistance was made; and

(b) for each expenditure:

(i) the amount of the expenditure;

(ii) the person or entity to whom it was disbursed;

(iii) the specific purpose, item, or service acquired by the expenditure; and

(iv) the date the expenditure was made.

(9) "Election" means each:

(a) regular general election;

(b) regular primary election; and

(c) special election at which candidates are eliminated and selected.

## HB0294S01 compared with HB0294

(10) "Electioneering communication" means a communication that:

(a) has at least a value of \$10,000;

(b) clearly identifies a candidate or judge; and

(c) is disseminated through the Internet, newspaper, magazine, outdoor advertising facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly identified candidate's or judge's election date.

(11) (a) "Expenditure" means:

(i) any disbursement from contributions, receipts, or from the separate bank account required by this chapter;

(ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;

(iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;

(iv) compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;

(v) a transfer of funds between the filing entity and a candidate's personal campaign committee; or

(vi) goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value.

(b) "Expenditure" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;

(ii) money lent to a reporting entity by a financial institution in the ordinary course of business; or

(iii) anything listed in Subsection (11)(a) that is given by a reporting entity to candidates for office or officeholders in states other than Utah.

(12) "Filing entity" means the reporting entity that is required to file a financial statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

(13) "Financial statement" includes any summary report, interim report, verified financial statement, or other statement disclosing contributions, expenditures, receipts,

## **HB0294S01 compared with HB0294**

donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

(14) "Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee, political party, or corporation.

(15) "Incorporation" means the process established by Title 10, Chapter 2, Part 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

(16) "Incorporation election" means the election authorized by Section 10-2-111.

(17) "Incorporation petition" means a petition authorized by Section 10-2-109.

(18) "Individual" means a natural person.

(19) "Interim report" means a report identifying the contributions received and expenditures made since the last report.

(20) "Legislative office" means the office of state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

(21) "Legislative office candidate" means a person who:

(a) files a declaration of candidacy for the office of state senator or state representative;

(b) declares oneself to be a candidate for, or actively campaigns for, the position of speaker of the House of Representatives, president of the Senate, or the leader, whip, and assistant whip of any party caucus in either house of the Legislature; or

(c) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a legislative office.

(22) "Officeholder" means a person who holds a public office.

(23) "Party committee" means any committee organized by or authorized by the governing board of a registered political party.

(24) "Person" means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, and labor organizations, as defined in Section 20A-11-1501.

(25) "Personal campaign committee" means the committee appointed by a candidate to act for the candidate as provided in this chapter.

## HB0294S01 compared with HB0294

(26) "Personal use expenditure" has the same meaning as provided under Section 20A-11-104.

(27) (a) "Political action committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:

(i) solicit or receive contributions from any other person, group, or entity for political purposes; or

(ii) make expenditures to expressly advocate for any person to refrain from voting or to vote for or against any candidate or person seeking election to a municipal or county office.

(b) "Political action committee" includes groups affiliated with a registered political party but not authorized or organized by the governing board of the registered political party that receive contributions or makes expenditures for political purposes.

(c) "Political action committee" does not mean:

(i) a party committee;

(ii) any entity that provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public;

(iii) an individual;

(iv) individuals who are related and who make contributions from a joint checking account;

(v) a corporation, except a corporation a major purpose of which is to act as a political action committee; or

(vi) a personal campaign committee.

(28) "Political convention" means a county or state political convention held by a registered political party to select candidates.

(29) (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:

(i) solicit or receive donations from any other person, group, or entity to assist in placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

(ii) make expenditures to expressly advocate for any person to sign or refuse to sign a ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any proposed ballot proposition or an incorporation in an incorporation election; or

## HB0294S01 compared with HB0294

(iii) make expenditures to assist in qualifying or placing a ballot proposition on the ballot or to assist in keeping a ballot proposition off the ballot.

(b) "Political issues committee" does not mean:

(i) a registered political party or a party committee;

(ii) any entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public;

(iii) an individual;

(iv) individuals who are related and who make contributions from a joint checking account; or

(v) a corporation, except a corporation a major purpose of which is to act as a political issues committee.

(30) (a) "Political issues contribution" means any of the following:

(i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or anything of value given to a political issues committee;

(ii) an express, legally enforceable contract, promise, or agreement to make a political issues donation to influence the approval or defeat of any ballot proposition;

(iii) any transfer of funds received by a political issues committee from a reporting entity;

(iv) compensation paid by another reporting entity for personal services rendered without charge to a political issues committee; and

(v) goods or services provided to or for the benefit of a political issues committee at less than fair market value.

(b) "Political issues contribution" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or

(ii) money lent to a political issues committee by a financial institution in the ordinary course of business.

(31) (a) "Political issues expenditure" means any of the following:

(i) any payment from political issues contributions made for the purpose of influencing the approval or the defeat of:

(A) a ballot proposition; or



## HB0294S01 compared with HB0294

(B) an incorporation petition or incorporation election;

(ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for the express purpose of influencing the approval or the defeat of:

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

(iii) an express, legally enforceable contract, promise, or agreement to make any political issues expenditure;

(iv) compensation paid by a reporting entity for personal services rendered by a person without charge to a political issues committee; or

(v) goods or services provided to or for the benefit of another reporting entity at less than fair market value.

(b) "Political issues expenditure" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or

(ii) money lent to a political issues committee by a financial institution in the ordinary course of business.

(32) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate or a person seeking a municipal or county office at any caucus, political convention, or election.

(33) "Primary election" means any regular primary election held under the election laws.

(34) "Public office" means the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state or local school board member, state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

(35) (a) "Public service assistance" means the following when given or provided to an officeholder to defray the costs of functioning in a public office or aid the officeholder to communicate with the officeholder's constituents:

(i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to an officeholder; or

## HB0294S01 compared with HB0294

(ii) goods or services provided at less than fair market value to or for the benefit of the officeholder.

(b) "Public service assistance" does not include:

(i) anything provided by the state;

(ii) services provided without compensation by individuals volunteering a portion or all of their time on behalf of an officeholder;

(iii) money lent to an officeholder by a financial institution in the ordinary course of business;

(iv) news coverage or any publication by the news media; or

(v) any article, story, or other coverage as part of any regular publication of any organization unless substantially all the publication is devoted to information about the officeholder.

(36) "Publicly identified class of individuals" means a group of 50 or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial statement the individuals are listed.

(37) "Receipts" means contributions and public service assistance.

(38) "Registered lobbyist" means a person registered under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act.

(39) "Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the lieutenant governor's office.

(40) "Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the lieutenant governor's office.

(41) "Registered political party" means an organization of voters that:

(a) participated in the last regular general election and polled a total vote equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives for any of its candidates for any office; or

(b) has complied with the petition and organizing procedures of Chapter 8, Political

## HB0294S01 compared with HB0294

### Party Formation and Procedures.

(42) (a) "Remuneration" means a payment:

(i) made to a legislator for the period the Legislature is in session; and

(ii) that is approximately equivalent to an amount a legislator would have earned

during the period the Legislature is in session in the legislator's ordinary course of business.

(b) "Remuneration" does not mean anything of economic value given to a legislator by:

(i) the legislator's primary employer in the ordinary course of business; or

(ii) a person or entity in the ordinary course of business:

(A) because of the legislator's ownership interest in the entity; or

(B) for services rendered by the legislator on behalf of the person or entity.

(43) "Reporting entity" means a candidate, a candidate's personal campaign committee, a judge, a judge's personal campaign committee, an officeholder, a party committee, a political action committee, a political issues committee, a corporation, or a labor organization, as defined in Section 20A-11-1501.

(44) "School board office" means the office of state school board or local school board.

(45) "Solicitation and administration costs" means the cost of office space, phones, salaries, employee benefits, utilities, supplies, legal and accounting fees, fund-raising, and other expenses incurred in setting up and running a political action committee or political issues committee.

~~[(45)]~~ (46) (a) "Source" means the person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.

(b) "Source" means, for political action committees and corporations, the political action committee and the corporation as entities, not the contributors to the political action committee or the owners or shareholders of the corporation.

~~[(46)]~~ (47) "State office" means the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

~~[(47)]~~ (48) "State office candidate" means a person who:

(a) files a declaration of candidacy for a state office; or

(b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a state office.

## HB0294S01 compared with HB0294

~~[(48)]~~ (49) "Summary report" means the year end report containing the summary of a reporting entity's contributions and expenditures.

~~[(49)]~~ (50) "Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

Section ~~(11)~~ 2. Section **20A-11-602** is amended to read:

### **20A-11-602. Political action committees -- Financial reporting.**

(1) (a) ~~[Each]~~ A registered political action committee that has received contributions totaling at least \$750, or disbursed expenditures totaling at least \$50, during a calendar year shall file a verified financial statement with the lieutenant governor's office:

(i) on January 10, reporting contributions and expenditures as of December 31 of the previous year;

(ii) seven days before the regular primary election date;

(iii) on August 31; and

(iv) seven days before the regular general election date.

(b) The registered political action committee shall report:

(i) a detailed listing of ~~[aH]~~ the contributions received and expenditures made since the last statement; and

(ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), ~~[aH]~~ the contributions and expenditures as of five days before the required filing date of the financial statement.

(c) The registered political action committee need not file a statement under this section if it received no contributions and made no expenditures during the reporting period.

(2) (a) The verified financial statement shall include:

(i) the name and address of any individual that makes a contribution to the reporting political action committee, and the amount of the contribution;

(ii) the identification of any publicly identified class of individuals that makes a contribution to the reporting political action committee, and the amount of the contribution;

(iii) the name and address of any political action committee, group, or entity that makes a contribution to the reporting political action committee, and the amount of the contribution;

(iv) for ~~[each]~~ a nonmonetary contribution, the fair market value of the contribution;

(v) the name and address of ~~[each]~~ a reporting entity that received an expenditure from

## HB0294S01 compared with HB0294

the reporting political action committee, the purpose of the expenditure, and the amount of ~~[each]~~ the expenditure;

(vi) for ~~[each]~~ a nonmonetary expenditure, the fair market value of the expenditure;

(vii) the total amount of contributions received and expenditures disbursed by the reporting political action committee;

(viii) a statement by the political action committee's treasurer or chief financial officer certifying that, to the best of the person's knowledge, the financial report is accurate; and

(ix) a summary page in the form required by the lieutenant governor that identifies:

(A) beginning balance;

(B) total contributions during the period since the last statement;

(C) total contributions to date;

(D) total expenditures during the period since the last statement; and

(E) total expenditures to date.

(b) (i) Contributions received by a political action committee that have a value of \$50 or less need not be reported individually, but shall be listed on the report as an aggregate total.

(ii) Two or more contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.

(3) A group or entity may not divide or separate into units, sections, or smaller groups for the purpose of avoiding the financial reporting requirements of this chapter, and substance shall prevail over form in determining the scope or size of a political action committee.

Section ~~22~~3. Section **20A-11-603** is amended to read:

### **20A-11-603. Criminal offenses -- Expenditure limitations -- Penalties.**

(1) (a) ~~[Each]~~ A political action committee that fails to file the financial statement due before the regular primary election, on August 31, or before the regular general session is:

(i) subject to a fine imposed in accordance with Section 20A-11-1005; and

(ii) guilty of a class B misdemeanor.

(b) The lieutenant governor shall report ~~[all violations]~~ a violation of Subsection (1)(a) to the attorney general.

(2) Within 30 days after a deadline for the filing of the January 10 statement required by this part, the lieutenant governor shall review ~~[each]~~ a filed statement to ensure that:

(a) ~~[each]~~ a political action committee that is required to file a statement has filed one;

## HB0294S01 compared with HB0294

and

(b) ~~[each]~~ the statement contains the information required by this part.

(3) If it appears that ~~[any]~~ a political action committee has failed to file the January 10 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of ~~[any]~~ a statement, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the political action committee of the violation or written complaint and direct the political action committee to file a statement correcting the problem.

(4) (a) ~~[It is unlawful for any]~~ A political action committee ~~[to fail to]~~ shall file or amend a statement within 14 days after receiving notice from the lieutenant governor under this section.

(b) ~~[Each]~~ A political action committee ~~[who]~~ that violates Subsection (4)(a) is guilty of a class B misdemeanor.

(c) The lieutenant governor shall report ~~[all violations]~~ a violation of Subsection (4)(a) to the attorney general.

(5) (a) A political action committee may only make an expenditure for:

(i) a political purpose; or

(ii) solicitation and administration costs.

(b) A political action committee that violates Subsection (5)(a) is guilty of a class B misdemeanor.

(c) The lieutenant governor shall report a violation of Subsection (5)(a) to the attorney general.

Section ~~{3}~~4. Section **20A-11-802** is amended to read:

### **20A-11-802. Political issues committees -- Financial reporting.**

(1) (a) ~~[Each]~~ A registered political issues committee that has received political issues contributions totaling at least \$750, or disbursed political issues expenditures totaling at least \$50, during a calendar year, shall file a verified financial statement with the lieutenant governor's office:

(i) on January 10, reporting contributions and expenditures as of December 31 of the previous year;

(ii) seven days before the date of an incorporation election, if the political issues

## HB0294S01 compared with HB0294

committee has received donations or made disbursements to affect an incorporation;

(iii) at least three days before the first public hearing held as required by Section 20A-7-204.1;

(iv) if the political issues committee has received or expended funds in relation to an initiative or referendum, at the time the initiative or referendum sponsors submit:

(A) the verified and certified initiative packets as required by Section 20A-7-206; or

(B) the signed and verified referendum packets as required by Section 20A-7-306;

(v) on August 31; and

(vi) seven days before the regular general election.

(b) The political issues committee shall report:

(i) a detailed listing of [~~all~~] the contributions received and expenditures made since the last statement; and

(ii) for financial statements filed on August 31 and before the general election, [~~all~~] the contributions and expenditures as of five days before the required filing date of the financial statement.

(c) The political issues committee need not file a statement under this section if it received no contributions and made no expenditures during the reporting period.

(2) (a) That statement shall include:

(i) the name and address of [~~any~~] an individual that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(ii) the identification of any publicly identified class of individuals that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(iii) the name and address of [~~any~~] a political issues committee, group, or entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(iv) the name and address of [~~each~~] a reporting entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(v) for [~~each~~] a nonmonetary contribution, the fair market value of the contribution;

## HB0294S01 compared with HB0294

(vi) except as provided in Subsection (2)(c), the name and address of ~~[each]~~ an individual, entity, or group of individuals or entities that received a political issues expenditure of more than \$50 from the reporting political issues committee, the purpose of the expenditure, and the amount of ~~[each]~~ the political issues expenditure;

(vii) for ~~[each]~~ a nonmonetary expenditure, the fair market value of the expenditure;

(viii) the total amount of political issues contributions received and political issues expenditures disbursed by the reporting political issues committee;

(ix) a statement by the political issues committee's treasurer or chief financial officer certifying that, to the best of the person's knowledge, the financial statement is accurate; and

(x) a summary page in the form required by the lieutenant governor that identifies:

(A) beginning balance;

(B) total contributions during the period since the last statement;

(C) total contributions to date;

(D) total expenditures during the period since the last statement; and

(E) total expenditures to date.

(b) (i) Political issues contributions received by a political issues committee that have a value of \$50 or less need not be reported individually, but shall be listed on the report as an aggregate total.

(ii) Two or more political issues contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.

(c) When reporting political issue expenditures made to circulators of initiative petitions, the political issues committee:

(i) need only report the amount paid to each initiative petition circulator; and

(ii) need not report the name or address of the circulator.

Section ~~(4)~~5. Section **20A-11-803** is amended to read:

### **20A-11-803. Criminal offenses -- Expenditure limitations -- Penalties.**

(1) (a) ~~[Each]~~ A political issues committee that fails to file the statement due August 31 or before the regular general election is guilty of a class B misdemeanor.

(b) The lieutenant governor shall report ~~[all violations]~~ a violation of Subsection (1)(a) to the attorney general.



## HB0294S01 compared with HB0294

(2) Within 30 days after a deadline for the filing of the January 10 statement, the lieutenant governor shall review ~~[each]~~ the filed statement to ensure that:

(a) ~~[each]~~ a political issues committee that is required to file a statement has filed one;  
and

(b) ~~[each]~~ the statement contains the information required by this part.

(3) If it appears that ~~[any]~~ a political issues committee has failed to file the January 10 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of ~~[any]~~ a statement, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the political issues committee of the violation or written complaint and direct the political issues committee to file a statement correcting the problem.

(4) (a) ~~[It is unlawful for any]~~ A political issues committee ~~[to fail to]~~ shall file or amend a statement within 14 days after receiving notice from the lieutenant governor under this section.

(b) ~~[Each]~~ A political issues committee ~~[who]~~ that violates Subsection (4)(a) is guilty of a class B misdemeanor.

(c) The lieutenant governor shall report ~~[all violations]~~ a violation of Subsection (4)(a) to the attorney general.

(5) (a) A political issues committee may only make an expenditure that is:

(i) a political issues expenditure; or

(ii) for solicitation and administration costs.

(b) A political issues committee that violates Subsection (5)(a) is guilty of a class B misdemeanor.

(c) The lieutenant governor shall report a violation of Subsection (5)(a) to the attorney general.

†

**Legislative Review Note**

~~as of 2-14-11 6:16 AM~~

**HB0294S01 compared with HB0294**

---

~~Office of Legislative Research and General Counsel~~